

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONNIE O'NEAL BROWN,

Plaintiff, No. CIV S-03-2267 FCD PAN P

VS.

EDWARD S. ALAMEIDA, Jr., et al.,

Defendants. ORDER

Plaintiff is a former county jail inmate proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1331(b).

In this case, none of the defendants reside in this district.¹ The claim arose in Los

¹ By order filed December 28, 2005, plaintiff's claims against California Governor Arnold Schwarzenegger were dismissed with leave to amend within forty-five days. Plaintiff did

1 Angeles County, which is in the Central District of California. Therefore, plaintiff's claim
2 should have been filed in the United States District Court for the Central District of California.
3 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the
4 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
5 1974).

Accordingly, IT IS HEREBY ORDERED that:

7 1. This matter is transferred to the United States District Court for the Central
8 District of California; and

9 2. The Clerk of the Court is directed to serve a copy of this order on the United
10 States Marshal for the Eastern District of California.

11 || DATED: August 15, 2006.

John F. Wark
UNITED STATES MAGISTRATE JUDGE

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not file a second amended complaint. This action is therefore proceeding on the claims raised in the first amended complaint against defendants Phillips, Frazier and Licita, none of whom reside in this district.